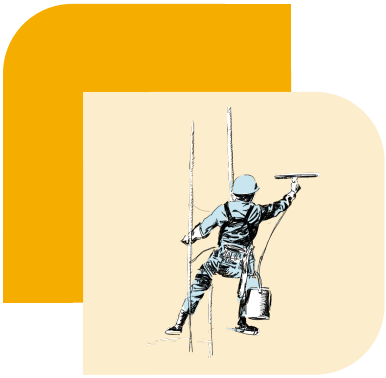
Briefing
November 2026

FOCUS ON LABOUR EXPLOITATION



Amendment NC15: Workplace Justice Visa

Immigration and Asylum Bill 2026
Tabled by John McDonnell MP at Report Stage

This amendment introduces a Workplace Justice Visa (WJV) for migrant workers in the UK, who have experienced labour exploitation or abuse. The visa would provide exploited workers with a temporary permission to remain in the UK while they pursue a workplace claim, participate in an investigation, seek forms of redress, and find alternative employment.

John McDonnell MP tabled this amendment to the Immigration and Asylum Bill 2026 at Report Stage.

The Amendment

Workplace Justice Visa

(1) The Secretary of State must within the period of three months beginning with the day on which this Act is passed, make provision in the Immigration Rules for eligibility for and the grant and renewal of a workplace justice visa in accordance with subsections (2) to (7).

(2) A workplace justice visa may be granted to a person who—

- (a) has experienced a workplace justice matter; or
- (b) requires permission to remain in the United Kingdom in order to—
  - (i) leave exploitative employment;
  - (ii) report exploitation to a public authority;
  - (iii) participate in an investigation related to exploitative employment;
  - (iv) participate in legal proceedings related to exploitative employment;
  - (v) recover unpaid wages, compensation or other employment-related remedies related to exploitative employment; or
  - (vi) otherwise secure redress arising from exploitative employment.

(3) A person is eligible (subject to any additional requirements specified in the Immigration Rules which are consistent with this section) to apply for a workplace justice visa if they—

- (a) hold valid permission to enter or remain and work in the United Kingdom; or
- (b) submit an application within six months of the expiry of their most recent grant of permission to enter or remain and work in the United Kingdom, provided that the workplace justice matter occurred during the period in which they held permission to work.

(4) Eligibility for a workplace justice visa shall not depend upon—

(a) the applicant's immigration route;

(b) sponsorship by an employer;

(c) the length of time remaining on an existing visa;

(d) whether the applicant continues to be employed by the employer responsible for the exploitation.

(5) The Secretary of State may require certification that the applicant has experienced a workplace justice matter from—

(a) the Fair Work Agency; or

(b) a body designated under subsection (6).

(6) The Secretary of State may by regulations designate bodies for the purposes of subsection (5)(b), including—

(a) providers of legal advice,

(b) trade unions; and

(c) any other such organisations as the Secretary of State considers appropriate.

(7) A workplace justice visa shall—

(a) grant permission to remain in the United Kingdom for a period of 12 months;

(b) permit the holder to undertake employment, self-employment or voluntary work without restriction;

(c) permit the holder to change employer without requiring the permission of the Secretary of State;

(d) be renewable in periods of up to 12 months where this is necessary to enable the holder to pursue a workplace justice matter, including the conclusion of any investigation, legal proceedings or enforcement action and the securing of any relevant remedy or redress;

(e) permit access to legal aid;

(f) permit the holder to be accompanied by, or remain with, any partner and any dependent child who would have been entitled to accompany or remain with the holder under the conditions of the holder's most recent grant of permission to enter or remain in the United Kingdom; and

(g) not prohibit the holder from making an application for any other form of leave to remain for which they may be eligible.

(8) An application for, or the granting of, a workplace justice visa shall not prejudice any investigation or determination relating to any workplace justice matter or immigration status.

(9) The Secretary of State must prepare and publish guidance on the operation of the workplace justice visa, including arrangements for referrals, accreditation and cooperation between labour market enforcement bodies and immigration authorities.

(10) The Secretary of State must keep the guidance published under subsection (9) under review, revise it where the Secretary of State considers it appropriate to do so, and publish any revised guidance.

(11) For the purposes of this section—

"workplace justice matter" means labour exploitation, forced labour, trafficking for labour exploitation, slavery, servitude, debt bondage, or any other breaches of employment rights in the United Kingdom as specified in the Immigration Rules;

"exploitative employment" means any employment that gives rise to a workplace justice matter;

"Immigration Rules" means rules under section 3(2) of the Immigration Act 1971.

The problem

Migrant workers can lose their immigration status when they try to leave exploitation.

The UK immigration system creates significant barriers for migrant workers seeking to leave or challenge labour exploitation and abuse.

Many migrant workers in the UK are recruited through employer-sponsored or otherwise restrictive visa routes, including the Skilled Worker, Overseas Domestic Worker and Agricultural Seasonal Worker routes, which means their right to live and work in the UK depends on their continued employment.

As a result, workers experiencing labour exploitation—including underpayment, wage theft, excessive hours, unlawful deductions, unsafe conditions, discrimination and/or modern slavery—may be unable or unwilling to leave their employer or report abuse, because doing so can jeopardise their immigration status and limit their ability to find alternative work.

These barriers can persist even after a worker has left an exploitative employer. Workers whose immigration permission is close to expiring are often unable to remain in the UK long enough to pursue a workplace claim, participate in an investigation or obtain compensation.

Other workers may have become undocumented, including as a direct consequence of exploitation, and fear that approaching an enforcement body will expose them to immigration enforcement. Where sponsorship ends or an employer loses their sponsor licence, workers may have as little as 60 days to secure new sponsorship or leave the UK.

> **The bar for modern slavery is high. Currently, there is no visa route available for workers who want to deal with exploitative treatment, underpayment, deductions of wages, pregnancy and maternity discrimination, race and sex discrimination, and more. This is the kind of exploitation that often falls below the level of modern slavery. What a Workplace Justice Visa would do is expressly pick up the kind of exploitation that runs through the labour market as if through a stick of Brighton Rock. We badly need to give migrant workers access to the employment rights that everyone else can expect. This government has an ambitious employment rights agenda, which Unison fully supports. But excluding migrant workers from that agenda cannot be right.**
>
> Narmada Thiranagama, Employment Rights Policy and Immigration Policy Lead, Unison.

International Examples

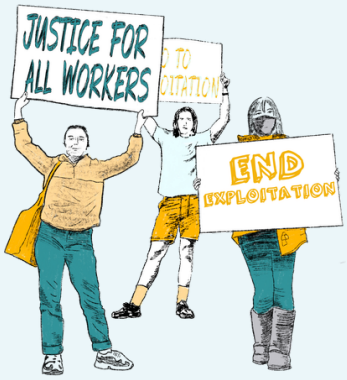
Australia: [Workplace Justice Visa]

Finland: [Certificate due to Exploitation by Employer]

Ireland: [The Reactivation Employer Permit]

Canada: [Open work permit for vulnerable workers]

New Zealand: [Migrant Exploitation Protection Work Visa]



Learning from Down Under

In July 2024, Australia introduced a pilot Workplace Justice Visa (WJV), allowing migrant workers who have experienced workplace exploitation to remain in the country for up to 12 months with permission to work and change employers while they pursue remedies and redress. Australian unions played an important role in shaping the scheme. They advocated for the visa as a means of strengthening employment standards and reducing the leverage employers can gain from workers' insecure immigration status. Their involvement reflects the wider role that unions can play in identifying exploitation, supporting workers to come forward, and strengthening the capacity of labour market enforcement agencies to respond effectively. Following the initial pilot, the Australian Government has extended the scheme providing an opportunity to build on its implementation and assess its longer-term impact. The Australian experience highlights the potential for trade unions, NGOs and government agencies to work together to strengthen workers' rights and labour market enforcement.

The need to prevent exploitation before the slavery threshold is reached

The National Referral Mechanism is not designed to address most forms of workplace exploitation

The National Referral Mechanism (NRM) is an identification and support system for potential victims of trafficking and modern slavery. However, even if someone is recognised as a victim via the NRM only a tiny minority are granted leave. For example, the Helen Bamber Foundation has evidenced that in 2024, while 4,240 individuals confirmed as victims of trafficking were considered for a grant of leave to remain, just 4% (176 people) received a grant of 'temporary permission to stay'. As a result, many recognised victims are left in precarious situations and at risk of further exploitation and/or re-trafficking.

The Immigration and Asylum Bill is set to make this worse by further reducing recognised victims' access to leave. Clause 39 of the bill removes the duty on the Home Office to grant leave for recovery purposes.

The Government has recently attempted to address the risks of further exploitation faced by recognised victims whose visas are tied to the employer found to be exploiting them. Now, people who initially entered the UK on a Skilled Worker visa and were subsequently recognised as a victim of modern slavery under the NRM, are permitted to work for the remainder of their visa for a different employer in any occupation. While this concession helps reduce the victim's dependence on an exploitative sponsor, it does not provide them with a new period of leave or protect their right to remain while pursuing workplace justice. Nor does it enable workers on employer-sponsored visas to report or leave the exploitative working conditions of their sponsor before these conditions amount to modern slavery or trafficking, without also jeopardising their immigration status. This is because the NRM, even with these changes, does not address most forms of workplace exploitation.

Underpayment and wage theft, unlawful deductions, excessive working hours, unsafe conditions, discrimination and unfair dismissal all constitute serious labour abuses, but may still fall below the threshold for modern slavery. A worker can therefore experience serious and unlawful exploitation without qualifying for NRM protection.

The UK's modern slavery protections are therefore fundamentally different from the proposed Workplace Justice Visa. The NRM is a victim-identification and support mechanism designed for people who have experienced the most serious forms of exploitation and human rights abuses.

The Workplace Justice Visa, by contrast, sits within the employment-rights and labour-market enforcement framework that the Government is seeking to strengthen. Its purpose is to remove the immigration-related barriers that can prevent migrant workers from reporting exploitation, seeking redress, and ultimately accessing the UK labour rights and protections.

Why it matters

Immigration insecurity undermines workers' rights and labour market enforcement

The UK Government has committed to strengthening employment rights and improving labour market enforcement, for example through the Employment Rights Act 2025 and the establishment of the Fair Work Agency.

However, these reforms will only succeed if workers are able to report breaches and participate in enforcement action without putting their ability to remain and work in the UK at risk.

Migrant workers are often the people best placed to identify exploitation. They know where wages are being withheld, where unlawful deductions are taking place, where employers are circumventing employment law, and where abusive practices are occurring. Yet, the current immigration system discourages workers from coming forward, as this puts their livelihoods at risk. This has negative consequences for workers' rights and labour market enforcement because:

- exploitative employers are less likely to be identified and held accountable;
- workers are less able to recover unpaid wages or obtain compensation;
- enforcement bodies lose access to crucial intelligence and evidence;
- employers that comply with employment law are undercut by businesses able to exploit migrant workers; and
- workers who leave abusive employment without secure immigration status can be pushed into destitution, irregular work and further exploitation.

The Solution

Ensure all workers can leave exploitation and access justice.

The amendment would require the Government to establish a Workplace Justice Visa for migrant workers who have experienced labour exploitation in the UK.

Workers granted the visa would have the right to work and to change employers, enabling them to support themselves while pursuing their case rather than remaining dependent on an exploitative employer.

The route would be temporary and purpose-specific. Applications would be supported by evidence that the worker has experienced workplace exploitation and is taking steps to pursue workplace justice, with appropriate organisations able to support or certify applications.

The amendment would therefore support workers on restrictive visas to leave exploitation and access justice.

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